

regulations will not have a \$100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Secretary of Veterans Affairs and the Secretary of Defense have certified that these amended regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the amended regulations directly affect only individuals. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

VA and Department of Defense find that good cause exists for making the amendment to § 21.5058 dealing with those who are involuntarily separated, like the provision of law it implements, retroactively effective on November 5, 1990. VA and Department of Defense find that good cause exists for making the amendment to § 21.5058 as well as all other regulations dealing with the officer adjustment benefit, like the provision of law it implements, retroactively effective on August 15, 1990. These regulations are intended to achieve a benefit for individuals. The maximum benefits intended in the legislation will be achieved through prompt implementation. Hence, a delayed effective date would be contrary to statutory design, would complicate administration of the provision of law, and might result in the denial of a benefit to someone who is entitled to it.

The Catalog of Federal Domestic Assistance number for the program affected by this proposal is 64.120.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation

Approved: May 21, 1992.

Edward J. Derwinski,
Secretary of Veterans Affairs.

Approved: July 8, 1992.

Minter Alexander,
Lieutenant General, USAF, Deputy Assistant Secretary, (Military Manpower & Personnel Policy).

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart G—Post-Vietnam Era Veterans' Educational Assistance Under 38 U.S.C. Chapter 32

For the reasons set out in the preamble, 38 CFR part 21, subpart G is amended as set forth below.

1. The authority citation for part 21, subpart G continues to read as follows:

Authority: 38 U.S.C. 501(a)

2. In § 21.5058, paragraph (b) and its authority citation are revised to read as follows:

§ 21.5058 Resumption of participation.

(b) A person who has disenrolled in order to receive educational assistance allowance under 38 U.S.C., chapter 34 may not reenroll if he or she has negotiated a check under that chapter for pursuit of a program of education. A person who has disenrolled in order to receive an officer adjustment benefit payable under § 21.4703 of this part may not reenroll if he or she has negotiated a check representing benefits payable under that section. A person who has disenrolled in order to receive educational assistance under the Montgomery GI Bill—Active Duty, as provided in § 21.7045(b) of this part, may not reenroll. Any other person who has disenrolled may reenroll, but will have to qualify again for minimum participation as described in § 21.5052(a).

(Authority: 38 U.S.C. 3008A, 3202(1), 3222, Pub. L. 101-366, sec. 207; Pub. L. 98-223, Pub. L. 101-510) (Aug. 15, 1990) (Nov. 5, 1990)

3. In § 21.5064, paragraphs (b)(1) and (b)(2)(i) and the authority citation for paragraph (b)(2) are revised and an authority citation is added for paragraph (b)(1) to read as follows:

§ 21.5064 Refund upon disenrollment.

(b) * * *

(1) * * *

(1) If an individual voluntarily disenrolls from the program before discharge or release from active duty, the time limit for providing the serviceperson with a refund will be determined as follows.

(i) If a serviceperson decides to disenroll in order to receive an officer adjustment benefit payable under § 21.4703 of this part, VA will refund the unused contributions not later than 60 days after receiving the serviceperson's valid election for the benefit.

(ii) In all other cases VA will refund the money on—

(A) the date of the participant's discharge or release from active duty; or

(B) Within 60 days of the receipt of notice by VA of the individual's discharge or disenrollment; or

(C) Any earlier date in an instance of hardship or for other good reasons.

(Authority: 38 U.S.C. 3223, 3232, Pub. L. 101-366, sec. 207) (Aug. 15, 1990)

(2) * * *

(i) If a veteran disenrolls by electing to receive an officer adjustment benefit payable under § 21.4703 of this part rather than receiving educational assistance under 38 U.S.C., chapter 32, VA shall refund his or her contributions not later than 60 days after receiving a valid election for the officer adjustment benefit.

* * *

(Authority: 38 U.S.C. 3202, 3223, 3232, Pub. L. 101-366, sec. 207)

* * *

[FR Doc. 92-21691 Filed 9-9-92; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-4203-2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of intent to delete Metal Working Shop site from the National Priorities List; Request for comments.

SUMMARY: The U.S. Environmental Protection Agency (EPA), Region V, announces its intent to delete the Metal Working Shop Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. The Metal Working Shop Site meets the NPL deletion criterion set forth in the NCP.

Specifically, the Site Remedial Investigation Report indicates that the risk at the Site poses no significant threat to public health and the environment. Therefore EPA, in consultation with the State of Michigan, has determined that no cleanup is appropriate for the Metal Working Shop Site. The purpose of this notice is to request public comment on the intent of EPA to delete the Metal Working Shop Site from the NPL.

DATES: Comments concerning the proposed deletion of the site from the NPL may be submitted October 13, 1992.

ADDRESSES: Comments may be mailed to Samuel F. Borries (HSRW 6J), Remedial Project Manager, Office of Superfund, U.S. Environmental Protection Agency, Region V, 77 West Jackson Blvd., Chicago, IL. 60604. Comprehensive information on this site is available at the local repository located at: Almira Township Office, 7276 Sweet Lake Road, Box 100, Lake Ann, MI. 49650, (616) 275-6346. Requests for comprehensive copies of documents should be directed formally to the appropriate Regional Docket Office: Janet Pfundheller, Waste Management Docket Control Officer, (5H-7J), Region V, U.S. EPA, 77 W. Jackson Boulevard, Chicago, IL. 60604, (312) 353-5821.

FOR FURTHER INFORMATION CONTACT: Samuel F. Borries (HSRW-6J), Remedial Project Manager, Office of Superfund, U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, IL. 60604, (312) 353-3156; or Philip Schutte (P-19J), Office of Public Affairs, U.S. EPA, Region V, 77 West Jackson Boulevard, Chicago, IL. 60604, (312) 353-8685.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The United States Environmental Protection Agency (EPA) announces its intent to delete the Metal Working Shop site, Lake Ann, Michigan from the National Priorities List (NPL), which constitutes appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR part 300 (NCP), and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. The Metal Working Shop was proposed for inclusion of the NPL on January 22, 1987, and became final on the NPL February

21, 1990. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Response Trust Fund (FUND). Pursuant to § 300.425(e)(3) of the NCP any site deleted from the NPL remains eligible for further Fund-financed remedial action should future conditions at the site warrant such action.

The EPA will accept comments on this Site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that the EPA is using for this action. Section IV discusses the history of the Site and how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with § 300.425(e) of the NCP, sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making this determination to delete a site from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria has been met:

- (i) Responsible parties or other persons have implemented all appropriate response actions required;
- (ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or
- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Section 300.425(e)(2) of the NCP states that no site shall be deleted from the NPL until the state in which the site is located has concurred on the proposed deletion.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-Financed actions if future conditions warrant such actions. Section 300.425(e)(3) states that whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the hazard ranking system (HRS).

Deletion of sites from the NPL does not in itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e)(1) of the NCP has been met, EPA may formally begin deletion procedures. The first steps are the preparation of a Closeout Report or No Action Record of Decision and the establishment of the local information repository and the Regional deletion docket. These actions have been completed. Please note that for this No-Action Site the Record of Decision represents the Closeout Report. This Federal Register notice, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30 day public comment period. The public is asked to comment on EPA's intention to delete the Site from the NPL; all critical documents needed to evaluate EPA's decision are generally included in the information repository and deletion docket.

Upon completion of the public comment period, the EPA Regional Office will prepare a Responsiveness Summary to evaluate and address concerns which were raised. The public is welcome to contact the EPA Regional Office to obtain a copy of this Responsiveness Summary, when available. If EPA still determines that deletion from the NPL is appropriate, a final notice of deletion will be published in the Federal Register.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for intending to delete the Metal Working Shop Site, Lake Ann, Michigan from the NPL.

The Metal Working Shop (MWS) Site, occupying approximately 2.77 acres, is located in central Almira Township, Benzie County, Michigan, approximately 12 miles west of Traverse City Michigan. Metal Working Shop is located at 6892 N. Reynolds Road between Lake View and Lake Ann along the northwest corporate boundary of Lake Ann Village.

The surrounding land use is characterized as residential, recreational, agriculture, and timberland. Several summer resorts are located in the area. Both Lake View and Lake Ann have summer resorts located on their shores. Depth to ground water beneath the site is approximately 60 feet. The aquifer consists of glacial sands and gravel. Surrounding residents are currently using private well systems for drinking water.

The Site has been used for a variety of metal finishing and tool and die operations over the past 26 years. The

basis of environmental concern dates back to the period of October 1975 to February 1977, when the operator conducted metal finishing operations using an iron phosphate treatment process. The process consisted of five steps, each performed in a separate tank approximately three feet on a side with a capacity of approximately 200 gallons. First, the metal parts were cleaned in a heated sodium hydroxide solution. Following a rinsing step in ordinary water, the parts were treated in a heated hydrochloric acid solution containing iron phosphate. After a second rinse in ordinary water, the parts were dipped in a bath containing a water-soluble oil. It is reported that water from the two rinse tanks only, was then disposed of on the ground surface at the Site. The largest and current operator, Lake Ann Manufacturing, occupied the facility in 1983 and has assembled mechanical shaft seals for pumps and compressors since that time.

The Site was evaluated by the EPA in December 1984. EPA identified three suspected areas of disposal, an alleged disposal area, an alternate disposal area, and the septic system. No samples were collected at that time but historical information was gathered during the Site investigation. The Site was proposed to be placed on the National Priorities List (NPL) in January 1987 on the basis of its potential for causing groundwater contamination. The Site became final on the NPL in February 1990.

A soil and ground water investigation of the site was performed by a private contractor for the current operator in May 1987. This investigation included the collection of several soil samples and the installation of three ground water monitoring wells. Michigan Department of Natural Resources (MDNR) split samples with the contractor at the time of the investigation. Evaluated collectively, the analytical data from the May 1987 investigation did not indicate the presence of soil or ground water contamination; neither, however, did it prove the absence of potentially present contamination based on historical dumping. No enforcement or removal actions have been conducted at the MWS site.

Field activities during the remedial investigation began in April 1991. These activities included a ground penetrating radar survey, evaluations and sampling of existing monitoring wells, residential well sampling, surface and sub-surface soil sampling, surface water and sediment sampling, permeability test of the aquifer, and natural gamma logging

of the monitoring wells. U.S. EPA completed the remedial investigation report in February 1992.

Ten residential wells, located on all sides of the Site, and three Site monitoring wells were sampled during the remedial investigation. No residential wells indicated the presence of significant Site contamination above background levels. Likewise, Site monitoring wells did not reveal the presence of significant contamination above background levels.

A baseline risk assessment of the Site was prepared as part of the remedial investigation. It concluded that the Site does not pose a threat to public health or the environment under current conditions because of the absence of human exposure to significant levels of hazardous substances. No significant environmental and human exposure pathways were identified during the risk assessment process.

On June 30, 1992, a Record of Decision (ROD) was signed which approved the "No Further Action" remedy. The State of Michigan concurred with the ROD.

Community Relations activities during and after the remedial investigation included discussing site concerns with residents and local officials, public meetings, and the publication of a factsheet on the RI and Proposed Plan.

The dates of the public comment period, the date and location of a public hearing and a summary of the Proposed Plan were announced through a legal notice in a local newspaper.

The Metal Working Shop Proposed Plan, which includes a description of the investigation findings and conclusions, was mailed to those on the community relations mailing list and was available along with the Administrative Record at the information repository at the Almira Township Office in Lake Ann.

The Proposed Plan public hearing was held at the Lake Ann Township Hall, Maple Street, Village of Lake Ann, on May 28, 1992 to discuss the RI and the preferred alternative. Nine people were at the hearing. Their concerns were addressed in the Community Relations Responsiveness Summary.

All completion requirements for this Site have been met as specified in OSWER Directive 9320.2-3A. Sampling has verified that ground water and Site soils are free of contamination. Therefore, the ROD of June 30, 1992 recommended "No Further Action". Because this remedy will not result in hazardous substances remaining on-site

above health-based levels, the five-year review will not apply to this action.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region V
[FR Doc. 92-21781 Filed 9-9-92; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 218

[FRA Docket Number RSOR-11, Notice No. 1]

RIN 2130-AA77

Railroad Operating Practices; Protection of Utility Employees; Notice of Proposed Rulemaking

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: FRA regulations prescribe minimum requirements for certain railroad operating rules and practices, including blue signal protection of railroad employees engaged in the inspection, testing, repair, and servicing of rolling equipment. Such activities may require employees to work on, under, or between such equipment and subject them to the danger of personal injury posed by any movement of such equipment. Train and yard crews are excluded from blue signal protection, unless assigned to perform such work on railroad rolling equipment that is not part of the train or yard movement they have been called to operate. FRA proposes to restate the exclusionary language to accommodate augmentation of a crew by using a "utility" employee. Alternative safety procedures are proposed to prevent injury.

DATES: (1) Written comments must be received on or before October 9, 1992. Comments received after that date will be considered to the extent practicable.

(2) Public hearing: A public hearing will be held at 10 a.m. on October 16, 1992. Any person who desires to make an oral statement at the hearing is requested to notify the Docket Clerk at least five working days prior to the hearing, by telephone or mail, and to submit three copies of the oral statement that he or she intends to make at the hearing.

ADDRESSES: (1) Written Comments: Address comments to the Docket Clerk, Office of Chief Counsel, RCC-30, Federal Railroad Administration, Department of Transportation, 400